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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

IAN ESTATOY VAN NATTA,

Defendant and Appellant.

B276186

(Los Angeles County
Super. Ct. No. YA093260)

THE COURT:*

Ian Estatoy Van Natta (defendant) appeals from a judgment sentencing him to four years, four months in state prison after he pleaded no contest to three sex offenses involving a minor. We affirm.

BACKGROUND

In March 2015, defendant was charged with six sex offenses involving a minor. He pled nolo contendere to one count

*ASHMANN-GERST, Acting P. J., CHAVEZ, J., HOFFSTADT, J.

of unlawful sexual intercourse with a minor (Pen. Code, § 261.5, subd. (c))¹ and was placed on probation for a five-year term with a condition that he serve 365 days in county jail. The remaining counts were dismissed.

In July 2015, defendant failed to report as ordered, and a petition to revoke probation was filed.

In November 2015, defendant was charged with 10 sex offenses involving a minor. Defendant represented himself throughout the preliminary hearing, at the end of which he was held to answer on all 10 counts, and was found to have violated his probation. The public defender's office declared a conflict, and the court appointed the alternate public defender to represent defendant.

On March 3, 2016, prior to trial, defendant requested that he be allowed to represent himself. The court admonished defendant at length regarding the dangers of self-representation, advising him that it was "not a very wise decision to give up a free competent lawyer" and reminding defendant that he was facing 10 counts, all of which were strikes. Defendant repeatedly confirmed he wanted to represent himself, and the court granted his request and appointed standby counsel.

On April 7, 2016, defendant withdrew his initial plea of not guilty and, after consulting with standby counsel, entered a no contest plea to two counts of unlawful sexual intercourse with a minor (§ 261.5, subd. (c)) and one count of oral copulation of a minor (§ 288a, subd. (b)(1)). The trial court advised defendant of his statutory and constitutional trial rights, confirmed by oral exchange that defendant understood those rights and that

¹ All further statutory references are to the Penal Code unless otherwise indicated.

defendant agreed to waive his rights by resolving his case by plea bargain. Pursuant to the plea agreement the trial court imposed a sentence of four years, four months in state prison; dismissed the remaining counts; and imposed a concurrent three-year term for the probation violation.

Defendant filed a timely notice of appeal and checked all the boxes to indicate the type of appeal from a guilty plea: “based on the sentence or other matters occurring after the plea”; “based on the denial of a motion to suppress evidence”; and “challeng[ing] the validity of the plea or admission.” As “[o]ther basis for this appeal” defendant requested a certificate of probable cause under section 1237.5, stating that his plea was unlawful because he “was not represented by an attorney” “the DA [had] no evidence” “the DA [hid] all the evidence” from him, and he wanted “to go to trial with an experience [sic] lawyer.” The trial court denied the request for a certificate of probable cause.

DISCUSSION

Defendant’s court-appointed counsel has filed a brief raising no issues, but seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. At the invitation of the Court of Appeal, defendant filed a supplemental brief in which he argues there was insufficient evidence to support the charges against him and that the victim committed perjury.

However, defendant entered a guilty plea and did not obtain a certificate of probable cause. As a result, we may only entertain an appeal based on (1) “[g]rounds that arose after entry of the plea and do not affect the plea’s validity,” or (2) “[t]he denial of a motion to suppress evidence under Penal Code section

1538.5.” (*People v. Maultsby* (2012) 53 Cal.4th 296, 299, fn. 2.) The issues specifically identified by defendant on appeal—either in his supplemental brief or in his request for a certificate of probable cause—fall outside this permissible scope of appeal. We are required to apply the certificate of probable cause requirements “in a strict manner.” (*People v. Mendez* (1999) 19 Cal.4th 1084, 1097-1098 [rejecting appellate courts’ approach of granting “dispensation[]” to defendant not in compliance with section 1237.5 under rationale that defendant may seek same relief by habeas corpus petition]; *People v. Panizzon* (1996) 13 Cal.4th 68, 89, fn. 15 [“the purposes behind section 1237.5 will remain vital only if appellate courts insist on compliance with its procedures”].)

We have also reviewed the record for other error cognizable on appeal and did not find any reasonably arguable appellate issues.

DISPOSITION

The judgment is affirmed.

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